

IDOT Counting Provisions

The Department will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The principle that DBE participation should be counted only for work performed with a DBE firm's own forces is an important one the DBE program follows consistently.

Trucking Services

The counting provision for trucking services prior to the July 16, 2003 federal regulations [49 CFR 26.55(d)] was explicitly designed to be consistent with this principle. Allowing credit for unlimited use of non-DBE leased trucks could lead to program abuses and reduce DBE contracting opportunities for DBEs in other types of work.

The revised federal regulations of June 16, 2003 permit, but do not require, recipients to count for DBE goal credit the dollar volume attributable to no more than twice the number of trucks on a contract owned by a DBE firm or leased from another DBE firm. They also provide that a recipient can choose to continue the counting provisions its DBE program adopted to comply with the 1999 final rule.

The Department has chosen to continue the counting provisions for trucking services that were adopted in 1999, which are:

- a DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- the DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- the DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
- the DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

Contractors with questions regarding DBE goal credit should contact the Office of Business and Workforce Diversity's Bureau of Small Business Enterprises at 217/785-8373.